

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

JOHN DOE, on behalf of his minor child JACK
DOE, and on behalf of others similarly situated,

NO. 2:23-cv-01893-JHC

Plaintiff,

V.

FRED HUTCHINSON CANCER CENTER;
UNIVERSITY OF WASHINGTON SCHOOL
OF MEDICINE; UW MEDICAL CENTER;
HARBORVIEW MEDICAL CENTER;
VALLEY MEDICAL CENTER; UW
PHYSICIANS; UW NEIGHBORHOOD
CLINICS(d/b/a UW MEDICINE PRIMARY
CARE); AIRLIFT NORTHWEST; and
CHILDREN'S UNIVERSITY MEDICAL
GROUP,

**ORDER GRANTING JOINT
MOTION TO CONSOLIDATE
RELATED CASES**

Defendants.

ROBERT AYERS, individually and on behalf of
all others similarly situated,

NO. 2:23-cv-01916-JHC

Plaintiff.

v.

FRED HUTCHINSON CANCER CENTER

Defendant

1 JONATHAN HUNTER, individually and on
2 behalf of all others similarly situated,

NO. 2:23-cv-01988-JHC

3 Plaintiff,

4 v.

5 FRED HUTCHINSON CANCER CENTER, a
6 Washington Nonprofit Corporation,

7 Defendant.

8 GARY HOLZ, JOEL GUAY, and GLORIA
9 MONCRIEF, individually and on behalf of all
others similarly situated,

NO. 2:23-cv-01998-JHC

10 Plaintiff,

11 v.

12 FRED HUTCHINSON CANCER CENTER, a
13 Washington Nonprofit Corporation,

14 Defendant.

15 This matter comes before the Court on Plaintiffs' Unopposed Joint Motion to
16 Consolidate. (Dkt. No. 5.) The plaintiffs in four different actions filed against Defendant Fred
17 Hutchinson Cancer Center ask the Court to consolidate all four into a single action. Having
18 reviewed the Motion and all supporting materials, and having noted the lack of any opposition,
19 the Court GRANTS the Motion and ORDERS that the above-captioned cases be consolidated
20 for all purposes.

21 1. Under Rule 42(a), the Court may consolidate cases that involve common
22 questions of law or fact. Fed. R. Civ. P. 42(a). The Court enjoys broad discretion in making this
23 determination. *Pierce v. County of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008); *see also*
24 *Pedraza v. Alameda Unified Sch. Dist.*, 676 Fed. App'x 704, 706 (9th Cir. 2017). When
25 determining whether a motion to consolidate should be granted, this Court typically weighs
26 several factors, including considerations of "judicial economy, whether consolidation would

1 expedite resolution of the case, whether separate cases may yield inconsistent results, and the
2 potential prejudice to a party opposing consolidation.” *Pecznick v. Amazon.com, Inc.*, No. 2:22-
3 cv-00743, 2022 WL 4483123, at *3 (W.D. Wash. Sept. 27, 2022); *see also* 9 Charles Alan
4 Wright & Arthur R. Miller, Federal Practice and Procedure: Civil § 2383 (3rd ed. 2020).

5 2. Consolidation is appropriate here given that the four actions present common
6 questions of law and fact and there are substantial efficiencies to be gained. All four actions
7 concern the same data breach resulting from a cyber-attack on Fred Hutchinson Cancer Center.
8 And plaintiffs pursue the same or similar causes of action against Fred Hutchinson Cancer
9 Center on behalf of overlapping proposed classes. Consolidation for all purposes will further
10 conserve party and judicial resources. Fred Hutchinson has not voiced any opposition, and the
11 Court is unaware of any inconvenience, delay, confusion, or prejudice that may result from
12 consolidation. As such, the Court GRANTS the Motion and consolidates all four actions.

13 3. All filings in this consolidated action shall be filed on the docket of the first-
14 filed case (2:23-cv-01893) and use the following caption: *In re Fred Hutchinson Cancer Center*
15 *Data Security Litigation*.

16 4. Any action subsequently filed in, transferred to, or removed to this Court that
17 arises out of the same or similar operative facts as the Consolidated Action, shall be
18 consolidated with the Consolidated Action for pre-trial purposes. The Parties shall file a Notice
19 of Related Action whenever a case that should be consolidated into this action is filed in,
20 transferred to, or removed to this District.

21 5. If the Court determines that the case is related, the clerk shall:

- 22 a. Place a copy of this Order in the separate file for such action;
- 23 b. Serve on Plaintiffs’ counsel in the new case a copy of the Order;
- 24 c. Direct that this Order be served upon Defendant(s) in the new case; and
- 25 d. Make appropriate entry in the Master Docket.

6. Plaintiffs shall confer and propose a schedule for filing a Consolidated Amended Complaint no later than ten (10) days following the entry of this Order.

7. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions filed in or transferred or removed to this Court relating to the fact and the data breach underlying this litigation.

IT IS SO ORDERED.

DATED: January 5, 2024

John H. Chan
THE HONORABLE UNITED STATES
DISTRICT COURT JUDGE FOR THE
WESTERN DISTRICT OF WASHINGTON

Presented By:

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